

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
March 6, 2012
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Chairman Lindell – Present
Commissioner Sheldon – Absent
Commissioner Anderson – Present
Commissioner Swain – Present
Commissioner Woodward – Present
Commissioner Russo – Present
Commissioner Backer – Absent

APPROVAL OF MINUTES:

Approval of the Minutes from the February 7, 2012 Planning Commission Meeting

ACTION: Commissioner Russo made a motion to approve the Minutes from the February 7, 2012 Planning Commission Meeting as transcribed. The motion was seconded by Commissioner Anderson.

VOTE: All in favor 4-0 with 2 Absent 1 Abstained Motion carried

NEW BUSINESS:

Review Petition 12-4 Tax Parcel #1900-500-038

Rakesh Mehta introduced himself as a co-partner of USA Gas. He stated the gas station's logo is an Interstate sign and they added the color red to the canopy in an attempt to simulate the colors of the American Flag.

Chairman Lindell stated the color pallet was put into effect in 2008, and the color of red that was put on the canopy of the gas station does not fall into the scope of the pallet.

Mr. Mehta stated that he's gotten many compliments from various customers about the canopy. He said Mr. David Hall, one of those customers, was there to tell the Commission how good it looks.

Chairman Lindell asked Mr. Mehta what hardship would be suffered if his petition was not approved.

Mr. Mehta stated that, if the petition were not approved, the rhythm of the colors would not go with the logo on their sign which is red and blue. He went on to say that he wouldn't be able to project a patriotic feeling with the colors of the country's flag.

Craig Hanna, Secretary of the Code Enforcement Office, submitted Exhibit 12-4 D, which was not part of the original packet, and is before and after pictures of the gas station's canopy.

Commissioner Swain stated that he's embarrassed the Commission was meeting for this. He said they're telling Mr. Mehta he cannot paint his canopy the colors of the American Flag and the Town has been trying to be a "Main Street USA Town" for numerous years. He went on to ask what was more "Main Street USA" than the American Flag.

Code Officer, Brian Swift, said the color red is not included in the approved color pallet for the Town.

Commissioner Swain said that makes no sense to him.

Commissioner Anderson asked if you have to get a permit to paint.

Mr. Swift stated you do not have to get a permit for painting.

Commissioner Anderson then asked how one would know about the color pallet.

Mr. Swift stated that the entire town was notified in 2008. He then asked Mr. Mehta how long he was in the Town.

Mr. Mehta stated that he's had a business in the Town since 2004, but was leasing at the time and was not notified because he was not the property owner.

Commissioner Russo said that whomever came up with the color pallet may want to review it. He then said Mr. Mehta came before the Commission with a petition pertaining to the sign at the gas station, on which, he did not follow through with what he told the Code Office he was going to do. Mr. Russo added that may come back to bite Mr. Mehta. He went on to say that he, himself, is in favor of the color, but encouraged Mr. Mehta to be more forthright and honest on his applications when applying for permits. He went on to say that maybe council should enact a larger penalty for those who knowingly violate the Code and then state that their hardship is financial in nature.

Code Officer Swift said that, besides Mr. Mehta needing to show hardship, he would like to see something showing that the colors they have on the canopy are actually corporate colors.

Mr. Mehta stated they are not corporate colors. He then stated that the station is independent and not branded. He went on to say the colors and logo are their own.

Councilwoman Personti stated that in 2008, a committee-appointed group of residents and business owners came up with the color palette and presented it to Council.

Councilman Burg stated that the color palette was meant for houses and restricted them to no more than 2 colors. He went on to agree with Commissioner Russo and stated that there is a piece of an ordinance, which will go up for 1st and 2nd reading this week, which will be an “eye-opener” for those who apply for one thing and do another. He then stated the proposed fines are extremely high.

David Hall, a local resident, stated he feels the station is now 100% better than what it was. He went on to say that his wife feels much safer going there at night with it being more lit up now.

Mr. Mehta stated that he didn’t know that Elsmere a law for not using multiple colors because he sees many multiple colored signs around the Town. He said they had white and blue on the canopy previously because it was a Gulf Station, but then figured they’d put red on it as well because it was “their thing”, and it would make it more attractive. He then stated the next time he planned on doing anything to his station, he would consult Mr. Swift first.

Code Officer Swift stated the Code reads it has to be uniform in color, and that the problem is not necessarily that it’s red, white, and blue.

Commissioner Swain said that the issue is the fact that it’s three colors then, not the colors themselves.

Mr. Swift said yes. He also stated that the 2 colors of blue and white were grandfathered in and for that reason were allowed to be there.

ACTION: A motion was made by Commissioner Russo to recommend Approval of Petition 12-4. Commissioner Anderson seconded the motion.

VOTE: All in favor 5-0 with 2 Absent Motion Carried

OLD BUSINESS:

Review of the Annual Comprehensive Plan

Chairman Lindell stated that the Planning Commission is the Town's Tree Advisory Board. He then said the Town was awarded roughly \$160,000 in grant money to start projects dealing with the Walking Path. He went on to say they need to come up with a plan for a buffer between the railroad and the Walking Path along Dover Ave. He stated Town Manager Giles was going to find out if the State had done a survey of the type of trees located throughout the Town.

Councilwoman Personti asked if the Town had \$160,000 for tree maintenance.

Chairman Lindell stated the money is not budgeted, but is a grant for a buffer for the Walking Path.

Councilman Kacperski stated that some of the Walking Path is located in his District. He said that the residents in his district would like a buffer, for sound as well as visually, between the path and the railroad.

Commissioner Swain asked where we got the grant for the trees along the path.

Chairman Lindell stated that a good portion of it came from DNREC, and couldn't recall the other party.

Commissioner Swain asked how long of a path they are to buffer.

Councilman Kacperski stated that the original Walking Path was a mile, but the buffering is to go just along the railroad tracks.

Commissioner Swain asked if the money was for the specific area between Dover Ave. and the railroad and only that area.

Chairman Lindell stated that, from speaking with Mr. Giles, it's for the Walking Path and it may be for part of the Dog Park project as well. He went on to say that this would fall into the task of re-greening the Town in the Comprehensive Plan.

Councilman Burg stated that \$50,000 of the \$160,000 is for the buffering of the Dog Park.

Commissioner Swain then asked if they didn't have \$160,000 for the buffering of the path then.

Councilman Burg said they don't need trees at the Dog Park because there's trees at the Dog Park already. He went on to say that \$160,000 is for the Walking Path. He then stated there were some other things that they got \$50,000 for from DNREC for the Dog Park and another \$100,000 from Homeland Security, but couldn't recall exactly.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Commissioner Russo to adjourn. Commissioner Swain seconded the motion.

VOTE: All in favor 5-0 with 2 Absent Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the March 6, 2012 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

CHARLES LINDELL, CHAIRMAN

LEON BACKER, SECRETARY